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August 27, 1992

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AUG 27 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

RE: Petition for Rulemaking
KWKK(FM), Dardanelle, Arkansas

Dear Ms. Searcy:

Transmitted herewith on behalf of Ramsey Communications, Inc., licensee of KWKK(FM), Dardanelle, Arkansas, are an original and four (4) copies of its "Petition for Rulemaking and Request for Modification of License" requesting a substitution of Channel 272C3 for Channel 272A at Dardanelle and a corresponding modification of KWKK(FM)'s license to specify operation on the new channel.

Should there be any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


Robert D. Primosch
Counsel for
Ramsey Communications, Inc.

RDP/es
Enclosure

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BEFORE THE

Federal Communications Commission

AUG 27 1992

WASHINGTON, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)
Table of FM Allotments
Dardanelle, Arkansas

)
)
) MM Docket No. _____
) RM- _____
)

To: Chief, Mass Media Bureau

**PETITION FOR RULE MAKING AND REQUEST
FOR MODIFICATION OF LICENSE**

Ramsey Communications, Inc. ("Ramsey"), licensee of Station KWKK(FM), Channel 272A, Dardanelle, Arkansas, by its attorneys, hereby petitions the Commission to institute a rule making proceeding for the purpose of making the following amendment to Section 73.202(b) of the Commission's Rules, the Table of FM Allotments:

Allotments

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Dardanelle, Arkansas	272A	272C3

In addition, it is requested that the Commission modify the license of KWKK(FM) to specify operation on Channel 272C3 at Dardanelle, pursuant to Section 1.420(g)(3) of the Commission's Rules. The Commission may modify the license of KWKK(FM) as requested without considering competing expressions of interest because Channel 272C3 is a mutually exclusive higher class co-channel. See Report and Order in MM Docket No. 85-313, FCC 86-181, released April 29, 1986, and First Report and Order in MM Docket No. 86-144, FCC 86-590, released February 3, 1987.

The attached FM Spacing Study conducted by Dataworld (Exhibit 1 hereto) demonstrates that the requested channel substitution can be made in accordance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules.¹ Operation on Channel 272C3 will permit Ramsey to increase KWKK(FM)'s coverage significantly and provide Dardanelle with its first wide-area coverage FM service. If Channel 272C3 is substituted for Channel 272A at Dardanelle and the license of KWKK(FM) is modified to specify operation thereon, Ramsey will file the necessary modification application with the FCC and, if the application is granted, will promptly modify the facilities of KWKK(FM) accordingly.

Pursuant to Section 1.401(d) of the Commission's Rules, a draft notice of proposed rule making is attached hereto as Exhibit 2.


WHEREFORE, it is respectfully requested that the Commission amend Section 73.202(b) of its Rules by substituting Channel 272C3 for Channel 272A at Dardanelle, Arkansas. It is also requested

¹ As noted in Exhibit 1, the proposed substitution of Channel 272C3 at Dardanelle would be short-spaced to Station KLSZ-FM, Channel 272A, Van Buren, Arkansas. The licensee of KLSZ-FM, LKR Communications, Inc., presently has a construction permit to modify KLSZ-FM's facilities to specify operation on Channel 274C2 at Van Buren (File No. BPH-891017IC). On July 20, 1992, LKR Communications, Inc. filed an application for a license to cover that construction permit (BLH-920720KP). Operation of KLSX-FM on Channel 274C2 would remove the short-spacing between KLSZ-FM and the proposed operation of KWKK(FM) on Channel 272C3 at Dardanelle.

that the license of KWKK(FM) be modified to specify operation on
Channel 272C3 at Dardanelle.

Respectfully submitted,
RAMSEY COMMUNICATIONS, INC.

By:


Marvin Rosenberg
Robert D. Primosch

Its Attorneys

FLETCHER, HEALD & HILDRETH
1225 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
(202) 828-5700

August 25, 1992

JOHNSON COMMUNICATIONS
SPRINGDALE, AR

Page 0
August 20, 1992

FM Spacing Study

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Job title: DARDANELLE, AR
Channel 272C3
FM Translators excluded.
Coordinates: 35-13-41 93-15-20
Safety zone: 45 km (27 miles).

JOHNSON COMMUNICATIONS
SPRINGDALE, AR

Page 1
August 20, 1992

FM Spacing study

Title: DARDANELLE, AR
Channel 272C3 (102.3 MHz)
Database: DW 08/07/92

Latitude: 35-13-41
Longitude: 93-15-20
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KALR	LIC	APPLIED LIFE EDUC BCG FO *218A	1		34-37-31	161.5	70.53	12
HOT SPRINGS	AR	BLED-891211KB	91.5	86	93-00-37	341.6	58.53	CLEAR
License Granted 02/25/91 per FCC release #21063 dated 03/05/91; Call Granted 02/09/88								
KGMR	CP	CLARKSVILLE EDUC BCG FOU *219A	.38		35-28-02	318.1	35.77	12
CLARKSVILLE	AR	BPED-840210AJ	91.7	-11	93-31-10	137.9	23.77	CLEAR
CP Granted 02/19/85; Call Granted 06/20/85								
KVOM-FM LIC	MORRILTON	BROADCASTING C 269A	6		35-09-32	99.8	44.86	42
MORRILTON	AR	BMLH-900206KD	101.7	69	92-46-13	280.0	2.859	CLOSE
License Granted 02/21/91 per FCC release #21063 dated 03/05/91								
KISK	CP	WHITMAN BROADCASTING COR	270C2	50	36-13-32	334.2	123.2	56
LOWELL	AR	BPH-871105MC	101.9	150	93-51-18	153.8	67.25	CLEAR
CP Granted 04/24/90 per FCC release #20852 dated 05/08/90; Call Granted 09/06/90 per FCC release #142 dated 09/07/90								
KOUN	CP	SHERWOOD BROADCASTING OF	271A	4.10	34-45-59	121.3	98.09	89
SHERWOOD	AR	BPH-910313MA	102.1	118	92-20-21	301.9	9.092	CLOSE
CP Granted 03/27/92 per FCC release #21349 dated 04/02/92; Call Granted 05/21/92 per FCC release #183 dated 05/26/92								
RM		RULE MAKING PETITION	271C2		34-30-05	231.0	127.5	117
MENA	AR	RM-6801	102.1		94-20-10	50.4	10.52	CLOSE
COUNTERPROPOSAL TO DOC-89-290								
RM		RULE MAKING PETITION	271C3		34-03-48	197.1	135.2	99
MURFREESBORO	AR	RM-6958	102.1		93-41-18	16.9	36.16	CLEAR
COUNTERPROPOSAL TO DOC-89-290								
KWKK	LIC	JAMES F. DOWDEN, TRUSTEE	272A	.20	35-13-41	.0		142
DARDANELLE	AR	BLH-870316KA	102.3	375	93-15-20	.0	-142	SHORT
Affiliated with KCAB(AM)								
KLSZ-FM LIC	L K R COMMUNICATIONS INC	272A	3		35-26-39	283.7	103.9	142
VAN BUREN	AR	BLH-830603AF	102.3	90	94-22-04	103.1	-38.1	SHORT
Deletion proposed; ORDERED TO 274C2; Was KXXI-FM 01/12/87; Affiliated with KAYR(AM)								
KLPR	CP	HALL BROADCASTING, INC.	273A	3	34-55-22	106.3	118.6	89
CABOT	AR	BMPH-890503LB	102.5	100	92-00-32	287.0	29.64	CLEAR
CP Granted 12/14/89; Was KVQB 12/09/91 per FCC release #172 dated 11/29/91; Affiliated with KYXZ(AM)								
KLSZ-FM CP	L K R COMMUNICATIONS INC	274C2	11.8		35-26-50	283.9	103.8	56
VAN BUREN	AR	BPH-920304IA	102.7	145	94-21-54	103.3	47.75	CLEAR
CP Granted 03/24/92 per FCC release #21347 dated 03/31/92; ORDERED FROM 272A; Was KXXI-FM 01/12/87; Affiliated with KAYR(AM)								

JOHNSON COMMUNICATIONS
SPRINGDALE, AR

Page 2
August 20, 1992

FM Spacing study

Title: DARDANELLE, AR
Channel 272C3 (102.3 MHz)

Latitude: 35-13-41
Longitude: 93-15-20

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)

KEZQ	LIC	OMNI COMMUNICATIONS, INC	275C2	50	34-32-06	134.7	109.1	56
SHERIDAN	AR	BLH-901205KB	102.9	150	92-24-33	315.2	53.00	CLEAR
License Granted 03/31/92 per FCC release #21351 dated 04/06/92; Was KXIX 06/29 /92 per FCC release #186 dated 07/06/92; Ant: Jampro JHPC-5D								

KH0Z-FM LIC	HARRISON BROADCASTING CO	275C	100	36-26-11	.4	134.1	96	
HARRISON	AR	BLH-890207KG	102.9	300	93-14-43	180.4	38.07	CLEAR
Was KWNQ 04/01/90 per FCC release #131 dated 04/06/90; Affiliated with KH0Z(AM)								

>> End of channel 272C3 study <<

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Dardanelle, Arkansas

)
)
) MM Docket No. ____
) RM-_____
)
)

NOTICE OF PROPOSED RULE MAKING

By the Chief, Policy and Rules Division:

1. Ramsey Communications, Inc. ("Petitioner"), licensee of Station KWKK(FM), currently operating on Channel 272A at Dardanelle, Arkansas, filed a petition for rule making on _____, 1992, seeking to substitute Channel 272C3 for Channel 272A at Dardanelle, Arkansas, and requesting the issuance of a modified license for KWKK(FM) to change its assigned channel classification from Channel 272A to 272C3. Petitioner stated its intention to use the upgraded channel, if assigned. The requested substitution can be made in compliance with the mileage separation requirements from a transmitter site located at the coordinates 35° 13' 41" North Latitude, 93° 15' 20" West Longitude.

2. In view of the foregoing, the Commission believes it appropriate to propose amending the FM Table of Allotments (Section 73.202(b) of the Commission's Rules) with regard to the following community:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Dardanelle, Arkansas	272A	272C3

The Commission also believes it appropriate, pursuant to Section 1.420(g)(3), to propose modification of Petitioner's license, as requested, to specify operation on Channel 272C3, because Channel 272C3 is a mutually exclusive higher class co-channel.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on Petitioner's counsel as follows:

Marvin Rosenberg, Esquire
Robert D. Primosch, Esquire
Fletcher, Heald & Hildreth
1225 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, §73.202(b) of the Commission's Rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact _____, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who file the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau